

REMARKS

The present Amendment is submitted in response to the Office Action dated March 31, 2008, which set a three-month period for response.

Claim 1 is amended and claim 4 cancelled hereby. Claims 1-3 and 5-9 remain pending hereinafter, where claim 1 is the sole independent claim.

In the Office Action, claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) over U.S. patent No. 5,678,314 to Braunbach, et al. (Braunbach) in view of EP 1428646. Claims 7, 8 are rejected under 35 U.S.C. 103(a) over Braunbach and EP 1428646, and further in view of US Patent No. 6,691,418 to Lewin, et al. (Lewin).

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicant amends claim 1 by introducing the feature of claim 4, that the lateral stop surface is configured as a circumferential collar (6) having a first connecting element (18), and an additional feature that another of the reinforcing elements is configured as an additional collar (21) surrounding an opening (22), and having a second connecting element (18). The support for these features that are added to claim 1 is found in the Specification at page 5, lines 8-20, and in Fig. 3, and in now-cancelled claim 4.

These features provide additional advantages to the invention as claimed. First, the two collars, circumferential collar (6) and additional collar (21), with respective first and second connecting elements (18), together increase the

rigidity and stability of base plate (1), which allows the base plate to be formed of an aluminum alloy at a thickness of 4mm.

As known to the skilled artisan, due to rigidity problems, using aluminum alloys as a base plate for a power tool requires sheet metal material thickness of 5mm or more. Claim 1 specifically defines that the base plate comprises a stamped and bent metal sheet composed of a light metal alloy having a material thickness of the metal sheet which is less than 4 mm. Hence, without the added rigidity and stability imparted by the collars (6; 21), and respective first and second connecting elements (18), the normally unstable aluminum alloy base plate at 4mm or less could not be utilized as a base plate for a power tool. That is, by using two collars: circumferential collar (6) and additional collar (21), and first and second connecting elements (18), aluminum alloy or any other light metal can be used as material for the base plate for saving weight without reduction of rigidity and stability.

Second, including two collars (6; 18) with respective first and second connecting elements (18) within the base plate as claimed provides additional possibilities for arranging the connecting elements. The first and second connecting elements may be constructed at varying collar locations for various power tool applications. This variable arrangement made possible by the two collars: circumferential collar (6) and additional collar (18), renders it possible to use a common base plate for different types of power tools by slightly modifying the position of the first and second connecting elements (18) at the collars.

The prior art cited in the non-final Office Action, whether taken alone or in combination, does not disclose a second collar on a base plate for a power tool. Braunbach discloses a base plate having a circumferential collar with a connecting element (53), as shown in Fig. 2. Lewin discloses a base plate as shown in Fig. 8. Lewin's base plate includes a circumferential collar with connecting elements (46, 62), but the connecting elements are disposed on opposite sides of the base plate. That is, while Lewin's circumferential collar includes two connecting elements (46, 62), the circumferential collar and connecting elements (46, 62) are readily distinguishable from applicant's base plate (1) as claimed because the connecting elements comprise the same collar, on opposite sides of the base plate. And EP 1428636 does not disclose, teach or even suggest arranging a second collar on a base plate, still less a second collar on a base plate surrounding an opening and provided with a connecting element, as claimed.

Applicant's invention as claimed provides a highly advantageous way of producing a base plate with little weight and sufficient stability, which is achieved by a thickness of less than 4 mm on the one hand, and a plurality of reinforcing elements embodied in the form of a lateral stop surface (12) configured as a circumferential collar (6) having a first connecting element (18), and another of said reinforcing elements is configured as an additional collar (21) surrounding an opening (22) having a second connecting element (18), on the other hand.

As for the obviousness rejection applied by the Examiner over the combination of Braunbach with EP 1428636, and the obviousness rejection applied by the Examiner over the combination of Braunbach and EP 1428636 with Lewin, it is respectfully submitted that none of the references teach the new features of the present invention, it is not obvious to combine the references, and the present invention can not be derived from the combination of the references. It is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

The present invention also provides for the highly advantageous and unobvious results which can not be achieved by the solutions proposed in the references. It is well known that in order to support a valid rejection in the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case Ex parte Tanaka, Marushma and Takahashi (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicant's result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claim 1, the broadest claim on file, should be considered as patentably distinguishing over the prior art cited, and should be allowed.

As for the dependent claims 2, 3 and 5-9, these claims depend on claim 1, they share its allowable features, and they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker
Attorney for Applicants
Reg. No. 27233